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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,100	12/30/2003	Robert L. Barnett	BOBARN.007A	3168
20995	7590	10/31/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			JOHNSON, VICKY A	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/749,100

Applicant(s)

BARNETT, ROBERT L.

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (US 6,161,448).

Wang discloses a control lever assembly, comprising: a control lever support (10) configured to be connectable to a handlebar assembly (110) of an associated vehicle, said support having an upper flange and a lower flange defining a space therebetween (unnumbered, see Fig 2), said upper flange defining an upper bore and said lower flange defining a lower bore (13), said upper bore and said lower bore aligned with one another along a pivot axis of said control lever assembly (see Fig 2); a control lever (20) defining a finger grip portion (22) and a mount portion (21), said mount portion defining an upper surface and a lower surface, a distance between said upper and lower surfaces sized such that said mount portion is receivable within said space (see Fig 1), said control lever additionally comprising an upper shaft portion extending from said upper surface and a lower shaft extending from said lower surface (see Fig 2), said upper shaft portion being supported within said upper bore and said lower shaft portion being supported within said lower bore when said lever is rotatably supported by said support (see Fig 2).

3. Claims 8-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatakoshi et al (US 6,457,378).

Hatakoshi et al disclose a control lever assembly, comprising: a control lever support configured to be connectable to a handlebar assembly of an associated vehicle, said support having an upper flange (32) and a lower flange (33) defining a space therebetween (see Fig 3), said upper flange defining an upper bore and said lower flange defining a lower bore (see Fig 3); a control lever (37) defining a finger grip portion (35) and a mount portion (36), said mount portion configured to be receivable within said space and defining an aperture extending therethrough (see Fig 3); a pivot shaft (27) extending through said aperture and being rotationally fixed with respect to said control lever (see Fig 3), said pivot shaft defining a pivot axis of said control lever and having an intermediate shaft portion, an upper shaft portion and a lower shaft portion, said intermediate shaft portion positioned within said aperture (see Fig 3), and said upper shaft portion being supported within said upper bore and said lower shaft portion being supported within said lower bore when said control lever is supported by said support (see Fig 3).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,543,847	Nagano	(bearings)
3,776,061	Yoshigai	(bearings)
4,560,049	Uchibaba et al	(pivot shaft)

Art Unit: 3682

6,578,445

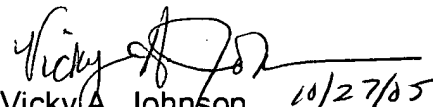
Barnett

(control lever)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Vicky A. Johnson 10/27/05  
Examiner  
Art Unit 3682